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**BEFORE THE POLLUTION CONTROL HEARINGS BOARD
OF THE STATE OF WASHINGTON AND THE UNITED STATES**

ARTHUR WEST

Appellant,

Vs.

WASHINGTON STATE
DEPARTMENT OF ECOLOGY
Respondent

APPELLANT'S
NOTICE OF APPEAL
OF NOVEMBER 21, 2009
ISWGP PERMIT

(1) Comes now the appellant, Arthur West, 120 State Avenue NE #1497 Olympia, Washington, pursuant to WAC 371-08-340, and makes this notice of appeal.

(2) This is an appeal of the Industrial Storm Water General Permit issued October 21, 2009 by the DOE. The permit is directed at virtually all of the industrial storm water discharge in the state, including The Port of Olympia and Weyerhaeuser. Appellant moves that this appeal be consolidated with PCHB 08-076, in order to promote administrative economy.

(3) A copy of the November 21, 2009 order or decision appealed from is attached*. Petitioner appeals each and every particular condition and clause of the ISWGP.

(4) As a short and plain statement showing the grounds upon which the appealing party considers such order or decision to be unjust or unlawful, appellant states that the permit lacks adequate testing or monitoring requirements to control pollution or be a valid exercise of state power under the CWA, that the permit lacks provisions to control

toxic waste discharge, that the permit will impermissibly degrade water quality and protected species habitat, that the permit is too broad and permissively designed to be effectively enforced in any meaningful way, and has exemptions that are so broad as to be de facto authorizations to pollute. The permit violates the Coastal Zone Management Act and the six enforceable policies incorporated therein, including the Clean Water Act.

The permit is also defective in that it has been issued to cover expanded industrial operations, including the export, log yard and Weyerhaeuser operations at the Port of Olympia despite a history of deliberate and negligent CWA and permit violations at the port, and despite the clandestine and unpermitted construction of substandard unpermitted storm water conveyance systems on port and City of Olympia property. The permit is also defective in that it authorizes discharge from industrial MTCA sites, including Cascade Pole site on Port of Olympia Property, without any requirements for testing or monitoring of toxic materials in discharged storm water, including those generated by logs and bark from logs at the Port-Weyerhaeuser site. The permit is also defective as it lacks standards for secondary permittee discharges, and fails to define the locations of discharge adequately to ensure reasonable enforcement. It is also inadequate as it relies upon the potential violators to report their violations without adequate oversight or available inline monitoring technology. One general permit cannot reasonably regulate discharge from many diverse sources with differing parameters and requirements.

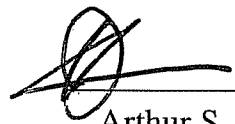
(5) A clear and concise statement of facts upon which an appealing party relies to sustain his or her grounds for appeal: The November 21, 2009 ISWGP, incorporated by reference herein, as issued, apparently lacks adequate monitoring, testing, or reporting requirements necessary to comply with the CWA and the State's duties under the delegation of federal powers. The permit lacks adequate effluent limitations to prevent degradation of water quality, or to control or regulate discharge of pollutants and toxic waste. The permit lacks compliance dates and has impermissibly extended compliance dates. The permit lacks any conditions to address discharges from MTCA sites or other

toxic storm water discharges. The permit lacks adequate testing or monitoring requirements. In regard to the Port of Olympia, (and many other industrial dischargers), the reissue of the permit is also improper in light of the record of noncompliance with the previous permit, and in regard to the expanded operations such as log yard and Weyerhaeuser related activity it is intended to cover in Olympia. (See the issues plead in PCHB 08-076), incorporated by reference herein. The permit is also inconsistent with the PSP Action Plan of November 6, 2008. TMDL limits and methodology are also inadequate

(6) The relief sought, including the specific nature and extent; Appellant seeks a vacation or withdrawal of the November 21 permit, and the issue of an alternate permit with adequate monitoring, testing, and reporting requirements to comply with the CWA and to control and reasonably regulate discharge of pollutants and toxic waste from industrial activities within the state.

(7) Appellant has read the notice of appeal and hereby certifies under penalty of law that he believes that it is true and consistent with civil rule 11.

Done November 15, 2009


Arthur S. West